

### Remarks

Applicants thank the Examiner for the careful review and consideration of the application.

Claims 40-42 have been cancelled.

Claims 1, 9, 19, 25, 29, 30, 33, and 38 have been amended to clarify that the manufacturer coupon imprinted on the insert has machine readable code. The subject claims were not intended to cover ordinary text typically printed on coupons, which at least theoretically could be read by optical character recognition technology. Thus, the current amendments now specify that the machine readable indicia are machine readable code, such as a bar code or code recorded on a magnetic strip, microchip or other data recordation medium. *See, e.g., Specification* at p. 20, lns 25-30.

Claims 4-32 have been amended to make those claims depend on claim 1. New claims 43-45 are dependent claims similar to dependent claims 30-32, except they depend on claim 3. Thus, claims 1-39 and claims 43-45 are pending in the application.

The Examiner has required restriction of the application to a single invention under 35 U.S.C. § 121. Specifically, the examiner has identified five groups of patentably distinct claims:

- |           |                                                                                                                                          |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------|
| Group I   | Claims 1-3 drawn to methods of disseminating advertising messages;                                                                       |
| Group II  | Claims 4-19 drawn to advertising inserts for fortune cookies comprising a plurality of superimposed, imprintable sheets;                 |
| Group III | Claims 20-29 drawn to advertising inserts for fortune cookies comprising a folded imprintable substrate sheet;                           |
| Group IV  | Claims 30-32 drawn to advertising inserts for fortune cookies comprising a manufacturer coupon which includes machine readable code; and |
| Group V   | Claims 33-42 drawn to fortune cookies having advertising inserts.                                                                        |

The restriction requirement is traversed. "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803. Here it is believed that there is no significant additional burden if all claims are searched as compared to any set of elected claims. Reconsideration is requested.

Notwithstanding, applicant hereby provisionally elects to prosecute the claims of Group I. The claims corresponding to Group 1 are claims 1-32 and 43-45.

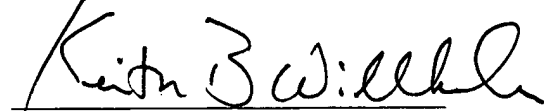
### **Conclusion**

For the reasons set forth above, it is believed that the restriction requirement should be withdrawn. Prompt and favorable reconsideration, therefore, is earnestly solicited.

The Examiner is invited to contact the undersigned attorney at (832) 656-3853 with any questions, comments or suggestions relating to the referenced patent application.

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Respectfully submitted,



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